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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,935	03/30/2004	Yuichi Terui	FUJY 21.085	7483
26304 7590 09/03/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER MARANDI, JAMES R				
ART UNIT 2623		PAPER NUMBER		
MAIL DATE 09/03/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,935

Applicant(s)

TERUI, YUICHI

Examiner

JAMES R. MARANDI

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/30/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 3/30/2004

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following minor informalities:

Examiner has observed a few misspellings as follows:

- Page 12, line 12, "DBV" must be changed to "DVB"
- Page 79, line 2, "(1)" must be eliminated

Please spell check the whole document and make necessary corrections as needed.

2. The abstract of the disclosure is objected to because it does not conform to English language flow and grammatical rules. Appropriate Correction is required. See MPEP § 608.01(b).

Drawings

3. Figures 15-22 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. These figures illustrate the frame structures as specified by well known standards such as ISO/ IEC 13818- 1 through 6, DSM-CC specifications, etc., See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to

avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 8 and their respective dependent claims (3-5 and 9-11) are rejected as the term **"user's free usage area"** is vague and indefinite. It is not clear what a **"user's free usage"** refers to, whether it is an area that is clear of user's data payload and is reserved for control data, or is it an area reserved for user defined parameters.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
 - b. Ascertaining the differences between the prior art and the claims in issue;
 - c. Resolving the level of ordinary skill in the pertinent art; and
 - d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.
7. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of G. Lebizay et al., USPN 6,144,658 (hereinafter "Lebizay").

Regarding claims 1 and 7, AAPA discloses a method, process, system, and computer code **for ground wave digital broadcasting, which enables simultaneous transmission of images, audio, and data materials as broadcast materials to multiple locations** (page 2, lines 16-27; page 3-4, page 5, lines 1-16)

AAPA fails to disclose transmission **via a cable communications network provided by a communication provider, and the method comprising:**
on a transmission side corresponding to an entrance portion to the cable communications network, eliminating, from an MPEG stream

containing data broadcast materials, carousel redundant information set due to repeated transmissions; and

on a receiving side corresponding to an exit portion from the cable communications network, restoring the carousel redundant information to the MPEG stream.

However, Leibzay, in an analogous art, substantially discloses transmission **via a cable communications network provided by a communication provider** (Fig.1, 150), and the method comprising:

on a transmission side corresponding to an entrance portion (130) to the cable communications network (150), eliminating (Col. 4, lines 11-13), from an MPEG stream (Col 1, lines 21- 27) containing data broadcast materials, carousel redundant information set due to repeated transmissions (repetitive patterns, Col. 4, line 12); and

on a receiving side corresponding to an exit portion from the cable communications network (160), restoring the carousel redundant information to the MPEG stream (Col. 4, lines 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of AAPA with Leibzay's invention, in order to save bandwidth and lower transmission cost.

Regarding claims 2 and 8 the system of AAPA does not disclose **setting a redundant information elimination status into a user's free usage area**.

The examiner has interpreted **user's free usage area** as an area of the frame free of user's traffic such as video and/ or audio information. As such the private section defined by AAPA (page 20, lines 17-20), or control packets in the header or elsewhere qualify.

As such, Lizbey substantially discloses **setting a redundant information elimination status into a user's free usage area** (Col.2. lines 25- 30).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of AAPA with Lizbey's invention, in order to save bandwidth and lower transmission cost by maintaining the integrity of the signal throughout the process.

Claims 4, 5, 10, and 11 are rejected by the same analysis as claims 1 and 2.

8. Claims 3, 9, 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view Lizbey, further in view of K. Ono et al., USPN 6,879,768 (hereinafter "Ono").

Regarding claims 3 and 9, the system of AAPA and Lizbey does not disclose **wherein the carousel redundant information elimination status includes restoration timing and a restoration quantity.**

However, Ono, in an analogous art, substantially discloses tracking and counting the repetitive packets (Fig. 5, TS1) and transporting said status along a sync byte (Col. 5, lines 60-67). Since the packet duration is known, the count quantity will provide **includes restoration timing and a restoration quantity.**

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of AAPA and Lizbey with Ono's invention, in order to save bandwidth and lower transmission cost by maintaining the integrity of the signal throughout the process through timing of packets saved and restored later on.

Regarding claims 6, and 12, the AAPA admits that ISO/IEC13818-1 discloses the use of Program Clock Reference (PCR). However the system of AAPA and Lizbey does not explicitly disclose **utilizing a time stamp in which a self-running counter counts upward based on a clock signal extracted from the MPEG stream on the input side, and constantly maintaining a program clock reference position of the post-processing MPEG stream on the**

output side at a predetermined interval of a fixed delay with respect to the MPEG stream on the input side.

However, Ono, in an analogous art, substantially discloses **utilizing a time stamp in which a self-running counter counts upward based on a clock signal extracted from the MPEG stream on the input side, and constantly maintaining a program clock reference position of the post-processing MPEG stream on the output side at a predetermined interval of a fixed delay with respect to the MPEG stream on the input side.** (Col. 7, lines 44-67).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of AAPA and Lizbey with Ono's invention, in order to save bandwidth and lower transmission cost by maintaining the timing information of the packets transported.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is

(571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Marandi/

/Hunter B. Lonsberry/
Primary Examiner, Art Unit 2623